

In the Court of Appeals of the State of Alaska

Jason M. Thompson,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-13543**

Order

Extend Time to File Brief

Date of Order: **May 5, 2020**

Trial Court Case No. **3PA-09-01853CR; 3PA-06-02765CR**

The Office of Criminal Appeals, representing the Appellee, recently requested an extension of time to file the State's brief. The order granting the motion noted that the order was being issued prior to the due date for an opposition, and that if a timely opposition was filed, a judge would consider the matter de novo. The Appellant, Jason M. Thompson, representing himself, has filed an opposition to the Agency's motion.

Mr. Thompson objects to the State's motion primarily because it was not titled as a "Non-Routine" request for an extension, nor was it accompanied by an affidavit justifying the length of the requested extension. But because the Agency's motion falls within the time limits established in this Court's Standing Order No. 12, the Agency was not required to title the motion as a "Non-Routine" request for an extension, or file a supporting affidavit explaining the reason for the extension.

This Court recognizes that lengthy legal proceedings may cause all parties to the litigation frustration and even anger. This Court, too, would like to have this appeal proceed more quickly. But unfortunately, this case is not unique.

The underlying problem is that there are too many criminal appeals compared to the number of lawyers available to brief those appeals. While it may be

tempting to order the Office of Criminal Appeals to speed up its briefing in this case, this would create a cascading delay of the briefing in all the other criminal appeals currently being handled by that agency. There are only so many attorneys who are both (1) available and (2) competent to write a criminal appeal. And there are literally hundreds of cases that are in the same position as this one.

This Court has been aware of the briefing delay problem for some time — and, in January 2014, the Court issued a new set of limitations on briefing extensions. Under these new limitations, the maximum permitted extensions for all briefs (both the briefs filed by the defense agencies and the briefs filed by the State’s criminal appeals division) are gradually being reduced, with the goal of limiting the maximum total extensions for both the Appellant and the Appellee. (Currently, the maximum extension for the Appellee is 200 days.)

After these limits on briefing extensions are fully implemented, most criminal appeals will be decided within two years from the time they are filed. The Court wishes it could impose these limits right away — but, as a practical matter, that is not possible.

For these reasons, the Office of Criminal Appeals’s requested extension of time to file the Appellee’s brief is **GRANTED**.

Entered under the authority of Chief Judge Allard.

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Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read 'RMS', is positioned above a horizontal line.

Ryan Montgomery-Sythe,
Chief Deputy Clerk

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